

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twelfth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.15410 of 2018

SENTHIL KUMAR

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH,
THIRUVALLUR,
THIRUVALLUR DISTRICT.
CR.NO.7 OF 2018

[RESPONDENT]

For Petitioner : M/S.R.SANKARASUBBU Advocate

For Respondent : MR. B.ARULMOZHI MARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

This is the second application filed by the Petitioner / Accused No.3 seeking anticipatory bail for the alleged offences under Section 468, 471, 420 of I.P.C. read with 34 of I.P.C.

2. The case of the prosecution is that the petitioner and two other accused persons have formed and registered a Company in the name and style of "Green India Farms and Diary Ltd.", at Tiruttani and by giving false promise, they have collected a sum of Rs.1,93,43,507/- from 773 persons. But, subsequently, they did not repay the said amount.

3. The learned counsel for the petitioner has submitted that the petitioner has not committed any offence. He further submitted that since the petitioner is a close friend of the accused No.1., he has been falsely implicated in the above case. He also submitted that the de-facto complainant has not produced any receipt to show that the petitioner herein has received any amount from him. He further submitted that the previous petition seeking anticipatory bail was dismissed by this Court on 25.05.2018, on the ground that the accused Nos. 1 and 2 are still absconding and custodial interrogation of the petitioner is absolutely necessary, but after disposal of the first anticipatory bail application, the accused Nos.1 and 2 were arrested and remanded to judicial custody and they were released on bail by the Trial Court itself. He further submitted that everything is borne out in records and hence there is no necessity to have custodial interrogation of the petitioner.

4. The learned Government Advocate (Crl.Side) has submitted that the petitioner is also one of the Directors of the aforesaid Company and he also collected a sum of Rs.1,93,43,507/-, but, subsequently, he did not repay the amount. However, he fairly conceded that after disposal of the earlier anticipatory bail application, accused Nos.1 and 2 were arrested and they were remanded to judicial custody and subsequently, they were released on bail by the Trial Court itself.

5. Taking into consideration of the aforesaid facts and also the fact that after the dismissal of earlier anticipatory bail application, accused No.1 and 2 were arrested and subsequently they were released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-1, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(i) if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
12/07/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, THIRUVALLUR,
THIRUVALLUR DISTRICT.

+1CC to M/S.R.SANKARASUBBU Advocate on payment of necessary charges SR NO.12940

CRL OP.15410/2018

Date :12/07/2018

MK:16/07/2018